

House File 18 - Introduced

HOUSE FILE 18

BY ISENHART

A BILL FOR

1 An Act requiring the inspection of a private well serving a
2 building upon the transfer of ownership of the building.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.172, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 12. *a.* If a building where a person
4 resides, congregates, or is employed is served by a private
5 well, the well serving the building shall be inspected for the
6 presence of substances and organisms set forth under paragraph
7 "b" prior to any transfer of ownership of the building unless
8 the well is scheduled to be closed. This subsection applies
9 to all types of ownership transfer including at the time a
10 seller-financed real estate contract is signed. The county
11 recorder shall not record a deed or any other property transfer
12 or conveyance document until either a certified inspector's
13 report is provided that documents the condition of the private
14 well and whether any modifications are required to conform
15 to standards adopted by the department or, in the event that
16 weather or other temporary physical conditions prevent the
17 certified inspection from being conducted, the buyer has
18 executed and submitted a binding acknowledgment with the
19 county board of health to conduct a certified inspection of
20 the private well at the earliest practicable time and to be
21 responsible for any required modifications to the private well
22 as identified by the certified inspection. For purposes of
23 this subsection, "transfer" means the transfer or conveyance
24 by sale, exchange, real estate contract, or any other method
25 by which real estate and improvements are purchased, if the
26 property includes at least one but not more than four dwelling
27 units. However, "transfer" does not include any action set
28 forth in subsection 11, paragraph "a", subparagraphs (1)
29 through (12).

30 *b.* (1) An inspection conducted pursuant to this subsection
31 shall examine the level of nitrate, nitrite, arsenic, coliform
32 bacteria, and perfluoroalkyl and polyfluoroalkyl substances.

33 (2) If the building is a home, an inspection conducted
34 pursuant to this subsection shall examine the level of lead and
35 copper.

1 (3) A county board of health may require that an inspection
2 conducted pursuant to this subsection in the county include
3 an examination of the level of other contaminants based on
4 local groundwater conditions upon the recommendation of the
5 state hygienic laboratory, the Iowa geological survey, or the
6 department.

7 *c.* Inspections shall be conducted by an inspector certified
8 by the department.

9 *d.* Pursuant to chapter 17A, the department shall adopt
10 rules establishing certification requirements for inspectors
11 including training, testing, and fees; uniform statewide
12 inspection criteria; and an inspection form. The inspector
13 certification training shall include use of the criteria and
14 form. The department shall maintain a list of certified
15 inspectors. The department shall consult with the state board
16 of health when developing requirements and criteria.

17 *e.* County personnel are eligible to become certified
18 inspectors. A county may set an inspection fee for
19 inspections conducted by certified county personnel. A county
20 shall allow any department-certified inspector to provide
21 inspection services under this subsection within the county's
22 jurisdiction.

23 *f.* A county may use grant moneys received pursuant
24 to section 135.11, subsection 24, to alleviate costs of
25 administering this subsection. A county that uses grant moneys
26 to administer this subsection shall report inspection results
27 to the state board of health.

28 *g.* Following an inspection, the inspection form and any
29 attachments shall be provided to the county board of health and
30 the department.

31 *h.* An inspection is valid for a period of twenty-four months
32 for any ownership transfers during that period.

33 Sec. 2. Section 558.69, subsection 1, paragraph b, Code
34 2023, is amended to read as follows:

35 *b.* That no known wells are situated on the property, or, if

1 known wells are situated on the property, the statement must
2 state the approximate location of each known well ~~and its,~~ the
3 well's status with respect to section 455B.190 or 460.302,
4 and whether the well has been inspected pursuant to section
5 455B.172, subsection 12, if such an inspection is required.

6 Sec. 3. Section 558A.4, subsection 1, Code 2023, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. c. The disclosure statement shall be
9 accompanied by a report of an inspection conducted pursuant
10 to section 455B.172, subsection 12, if such an inspection is
11 required.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill requires an inspection of a private well that
16 serves a building in which a person resides, congregates, or
17 is employed upon the transfer of ownership of the building,
18 as outlined by the bill. The inspection shall examine the
19 level of nitrate, nitrite, arsenic, coliform bacteria, and
20 perfluoroalkyl and polyfluoroalkyl substances. If the building
21 is a home, the inspection shall also examine the level of
22 lead and copper. The bill also authorizes a county board of
23 health to require that an inspection in the county include
24 an examination of the level of other contaminants based on
25 local groundwater conditions upon the recommendation of the
26 state hygienic laboratory, the Iowa geological survey, or the
27 department of natural resources. Only a person certified by
28 the department may conduct an inspection. The department
29 shall consult with the state board of health to adopt rules
30 establishing certification requirements and uniform statewide
31 inspection criteria.

32 The bill allows county personnel to become certified
33 inspectors. The bill authorizes a county to set an inspection
34 fee for inspections conducted by county personnel. The bill
35 authorizes counties to use grant moneys received pursuant to

1 the grants to counties water well program in order to alleviate
2 administrative costs associated with private well inspection.
3 A county that uses grant moneys for such purposes shall report
4 inspection results to the state board of health.

5 Following an inspection, the inspection form and any
6 attachments shall be provided to the county board of health and
7 the department. An inspection is valid for all transfers of
8 ownership of a building within a 24-month period.

9 If a groundwater hazard statement is required to accompany
10 the submission of a declaration of value due to the existence
11 of a well situated on a property to be transferred, the
12 groundwater hazard statement shall state whether the well has
13 been inspected pursuant to the bill if such an inspection is
14 required. A report of the inspection results shall accompany
15 the disclosure statement required to be provided by a potential
16 transferor of real property. A person who fails to include a
17 private well inspection report with the disclosure statement or
18 provides inaccurate information in the report may be liable for
19 actual damages suffered by the transferee.